

OFFICIAL COPY

Fresno, California

March 2, 1999

The City Council met in regular session at the hour of 1:08 p.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Garry Bredefeld	Councilmember
	Chris Mathys	Acting President
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	President

Jeff Reid, City Manager  
Hilda Cantu Montoy, City Attorney  
Rebecca Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Reverend Father James Pappas, St. George Greek Orthodox Church, gave the invocation.

Councilmember Bredefeld led the Pledge of Allegiance to the Flag.

**(10:00 A.M.) PRESENTATION OF AWARDS TO HONOR ROLL STUDENTS )**  
**FROM BULLARD TALENT - ACTING PRESIDENT MATHYS )**

Presented at 10:00 a.m.

**PROCLAMATION OF HEIDI PINNICK DAY - COUNCILMEMBER BOYAJIAN )**

Read and presented.

**PROCLAMATION OF MENTAL RETARDATION AWARENESS MONTH )**

Read and presented.

**PROCLAMATION OF RED CROSS MONTH )**

Read and presented.

PROCLAMATION OF LARRY SHEHADEY DAY, RECIPIENT OF THE PETERS )  
AWARD - COUNCILMEMBER RONQUILLO )

Not present/to be rescheduled.

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APPROVE MINUTES OF FEBRUARY 23, 1999 )

The minutes of February 23, 1999, approved as submitted.

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**APPROVE AGENDA:**

(11:30 A.M.) CONTINUED HEARING ON THE BEHYMER-CHESTNUT NO. )  
3B REORGANIZATION FOR THE DETACHMENT OF 4.6 ACRES FROM THE )  
FRESNO COUNTY FIRE PROTECTION DISTRICT AND KINGS RIVER )  
CONSERVATION DISTRICT, AND ANNEXATION OF TERRITORY TO THE )  
CITY OF FRESNO (CONTINUE TO 3:30 P.M.) )

On motion of Councilmember Bredefeld, seconded by Councilmember Boyajian, duly carried, RESOLVED,  
the above entitled hearing continued to 3:30 p.m. this date, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz  
Noes : None  
Absent : None

(3A) STATUS REPORT FROM STAFF REGARDING FORECLOSURE ACTION )  
AGAINST FRESNO PACIFIC TOWERS, INC. (SECURITY BANK BUILDING) )  
(TO BE DISCUSSED AFTER CLOSED SESSION) )

(7C.) JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY - )  
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - )  
GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT )  
EXPOSURE TO LITIGATION - CASE NAME : CITY OF FRESNO AND )  
REDEVELOPMENT AGENCY V. FRESNO PACIFIC TOWERS, INC. )  
(SECURITY BANK BUILDING) )

The above items 3A and 7C laid over one week at the direction of the City Attorney..

(5E) DIRECTION TO STAFF CONCERNING THE 3/27/97, CONSTRUCTION )  
LOAN AGREEMENT FOR THE INFILL HOUSING DEVELOPMENT PROGRAM )  
BETWEEN THE CITY AND NICK DeBEAR, INC., PROPERTY LOCATED AT )  
CHURCH AND CHESTNUT AVENUES, AND THE SUBSEQUENT PROPOSAL )  
OF DECEMBER 15, 1998 - PRESIDENT STEITZ )

At the request of President Steitz and with Council consensus, the above matter scheduled to be heard after the 1:30 p.m. item.

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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**ADOPT CONSENT CALENDAR:**

(1A-3) APPROVE LEASE AMENDMENT NO. 1 TO THE LEASE AND CON- )  
CESSION AGREEMENT BETWEEN THE CITY AND LEOLA CLARK, DBA )  
AIR TERMINAL GIFT SHOP; AND AUTHORIZE THE DIRECTOR OF )  
TRANSPORTATION TO EXECUTE THE AMENDMENT ON BEHALF OF )  
THE CITY )

(1A-6) CONSIDER ALIGNMENTS AND WIDTHS OF PROPOSED PUBLIC )  
STREETS FOR AN INDUSTRIAL DEVELOPMENT PROPOSED BY THOMAS )  
BERNARD ON THE WESTERLY SIDE OF GOLDEN STATE BOULEVARD )  
BETWEEN E. CHURCH AND E. JENSEN AVENUE; APPROVE THE PROPOSED )  
STREET ALIGNMENTS AND WIDTHS AS SHOWN ON EXHIBIT A OF THE )  
STAFF REPORT; AND DELEGATE AUTHORITY TO THE DIRECTOR OF )  
PUBLIC WORKS TO APPROVE ANY MODIFICATIONS TO THE PROPOSED )  
STREET ALIGNMENTS AND WIDTHS AS MAY BE DEEMED NECESSARY )  
AND APPROPRIATE )

(1A-7) APPROVE THE RE-APPLICATION FOR A NATIONAL POLLUTANT )  
DISCHARGE ELIMINATION SYSTEM PERMIT, AND AUTHORIZE THE )  
CITY MANAGER TO SIGN THE PERMIT APPLICATION )

On motion of Councilmember Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

(1A-5) **RESOLUTION NO. 99-55** - INTENT TO ANNEX FINAL MAP OF TRACT )  
NOS. 4431, 4514, 4826 AND 4879 TO COMMUNITY FACILITIES DISTRICT )  
NO. 2, ANNEXATION NO. 11, AUTHORIZE THE LEVY OF SPECIAL TAXES, )  
AND SETTING THE PUBLIC HEARING FOR APRIL 6, 1999, AT 11:30 A.M. )

On motion of Councilmember Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 99-55 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz
Noes	:	Mathys
Absent	:	None

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**(5A) APPROVE AGREEMENT WITH THE FRESNO METROPOLITAN FLOOD )**  
**CONTROL DISTRICT FOR CONSTRUCTION OF A STORM WATER PUMP AT )**  
**CEDAR AND HOLLAND AVENUES - PRESIDENT STEITZ )**

Briefly reviewed by President Steitz who stated this was a continuing neighborhood flooding problem and requested Council's support. Councilmember Ronquillo stated he had a similar problem in his district at North and Freeway 99 and questioned the funding, with President Steitz stating the Flood Control District and his district infrastructure budget would provide equal funding for the project. A motion and second to approve the agreement was acted upon after brief discussion.

Upon question of Bill Seifert, Construction Industry Force Account Council, President Steitz and City Attorney Montoy advised the District would perform the work, cost for the project was \$8,380, the competitive bidding process would not be triggered due to the cost, and confirmed this would be a District project.

City Manager Reid noted there were several areas in the city where the District has collected fees and not made improvements, advised the subject issue had some unique circumstances wherein the District asked for the City's assistance, and recommended the issue of them committing to funding for needed flood control projects be explored at the upcoming workshop.

On motion of President Steitz, seconded by Councilmember Perea, duly carried, RESOLVED, the agreement with the Fresno Metropolitan Flood Control District for construction of a storm drain water pump at Cedar and Holland Avenues hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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**(1:30 P.M.) PRESENTATION BY ED GRAVELINE AND THE CALIFORNIA )**  
**TROLLEY AND RAILROAD CORPORATION CONCERNING THE RESTORA- )**  
**TION AND TRANSFER OF OWNERSHIP OF THE ROEDING PARK )**  
**LOCOMOTIVE - PRESIDENT STEITZ )**  
**1. DISCUSSION AND DIRECTION TO STAFF TO TRANSFER OWNERSHIP )**  
**OF THE ROEDING PARK LOCOMOTIVE )**

Ed Graveline advised he was approached over a year ago by the California Trolley and Railroad Corp. (CTRC) and subsequently the Downtown Rotary Club, on the possibility of gifting the locomotive to the CTRC for total and complete restoration to running condition, noted there had been no opposition from any group in his review of the request, and emphasized the locomotive was rusting away and there was no funding locally to restore it.

Rod Deardon, CTRC Chairman of the Board, advised of the purpose and activities of the CTRC and explained their proposal to obtain ownership of the locomotive for restoration and use at a museum complex in Santa Clara, California, including excursion trips to Fresno. Mr. Deardon responded to questions of Councilmember Ronquillo relative to the cost for the restoration and possibly returning the locomotive back to the City at a later date.

Councilmember Ronquillo stated he could not support the request due the locomotive's historical value and possibility for future use, advised the Historical Society had no knowledge of the request and would consider the issue this date, and commented on local fundraising. Acting President Mathys stated his support emphasizing the locomotive was being neglected and there were no funding sources for restoration, and commended the CTRC on the proposal. Councilmember Perea commended the CTRC and Mr. Graveline, stated he had a real problem with letting the locomotive go adding the City had in the past let go of its history too quickly, stressed resources needed to be found to restore the locomotive, and stated he respected what CTRC was doing but could not support the request. Councilmember Bredefeld stated the fact that the train had been neglected was no reason to give it away, **(2 - 0)** stressed the City had to recommit its efforts towards revitalizing its historical attributes, stated the request was the wrong direction to move in, and presented questions relative to grants received by the CTRC, with Mr. Deardon responding. Councilmember Quintero commended Mr. Deardon for his efforts, advised he looked into the issue of the Model Rail Club taking on the restoration as a project over a year ago and was told at that time discussions were ongoing to possibly turn the train over to another city, and stated he could not support turning over the train over without the City trying harder to preserve it. Noting there was not a majority in support for the request, Acting President Mathys expressed his frustration reiterating the train had been sitting and rotting for years yet there was no support for someone committing to its total restoration.

City Manager Reid clarified the issue of grants and stated the City needed to determine and focus on key projects in applying for grants. Mr. Deardon advised it would be very difficult to obtain necessary funds to restore the locomotive and explained, stressed the machine was not safe at this time, reiterated the CTRC had the resources to restore it and would do all it could to make Fresno proud, offered to give the City a caboose that would be suitable for a park setting in exchange for the locomotive, and concluded emphasizing it would be a real tragedy if the City did not really intend to rebuild the locomotive. Councilmember Ronquillo commented on the City's efforts to restore its historic relics, and stated he would commit funds from his infrastructure budget towards making the locomotive attractive and to its condition 15 years ago.

A motion and second to deny the request was acted upon after additional discussion. President Steitz expressed his disappointment with the non-support stating someone coming forth and not requesting any funding from the City was an unusual concept for this Council, stated he would bring the issue back in one year to see what improvements had been made, noted Council supported giving away the Fort Miller Blockhouse without any of the concerns expressed this date, and made a substitute motion to table the issue.

A substitute motion of President Steitz, seconded by Acting President Mathys, to table the issue failed to become the main motion, by the following vote:

Noes : Boyajian, Bredefeld, Perea, Ronquillo  
Absent : None

Brief discussion ensued on the motion on the floor to deny.

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, debate on the issue hereby closed, by the following vote:

Ayes : Boyajian, Bredefeld, Perea, Quintero, Ronquillo  
Noes : Mathys, Steitz  
Absent : None

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the request for staff to enter into negotiations to transfer ownership of the Roeding Park Locomotive hereby denied, by the following vote:

Ayes : Boyajian, Bredefeld, Perea, Quintero, Ronquillo  
Noes : Mathys, Steitz  
Absent : None

Upon question of Acting President Mathys, Mr. Deardon stated the locomotive might be at the point of no return now and explained, urged the City to make a concentrated effort very soon to save the engine, and confirmed waiting any longer would make the funding aspect more problematic. President Steitz requested Mr. Deardon send a picture of the caboose which was offered as an exchange. Upon question of Councilmember Ronquillo, Mr. Deardon stated there were no available inoperable locomotives worthy of obtaining.

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(5E) DIRECTION TO STAFF CONCERNING THE 3/27/97, CONSTRUCTION )  
LOAN AGREEMENT FOR THE INFILL HOUSING DEVELOPMENT PROGRAM )  
BETWEEN THE CITY AND NICK DEBEAR, INC., PROPERTY LOCATED AT )  
CHURCH AND CHESTNUT AVENUES, AND THE SUBSEQUENT PROPOSAL )  
OF DECEMBER 15, 1998 - PRESIDENT STEITZ )

HNR Manager Bowness reviewed the background and specifics of the issue, and stated it was staff's opinion the original proposal was very different from the latter one which was for three homes instead of nine and explained further, and recommended the original agreement stand.

Dee Boya, representing Nick DeBear, Inc., advised staff denied a lender she brought in with \$650,000 for nine homes, explained specifics of the loan agreement and her concerns, and stressed the City was reneging on their agreement with her for no legitimate reason.

An unidentified gentleman with Ms. Boya stated Ms. Boya had a binding agreement with the City and explained specifics, noted the lien placed on her property, and stated she had lost two years of income on the project.

and Boyajian on specifics of the loan, appraised value of the property, amount utilized from the \$270,000 loan, proposed homes in the project and selling price, City's position on the loan documents, improvements on the property, clarification of the original agreement, and roll-over loans.

President Steitz offered a motion to uphold the original 3/27/97, agreement, and Ms. Boya requested the lien be removed from her property.

Upon question of Councilmember Perea, City Attorney Montoy stated her limited review of the record did not disclose anything close to what Ms. Boya stated, and advised lacking Council action this date, Ms. Boya would have to meet the requirements from two years ago and if she did not, the City would not be obligated to provide any funds to her.

Upon question of Councilmember Ronquillo, Ms. Bowness stated upon payment of the current principal balance plus interest, staff would be obligated to release the lien. Lacking no motion, there was no further discussion.

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(2:30 P.M.) BILLS FOR INTRODUCTION AMENDING THE FRESNO )  
MUNICIPAL CODE RELATING TO EXPOSURE OF TOBACCO PRODUCTS )  
TO MINORS )  
1. \*BILL - AMENDING SECTION 8-125 EXEMPTING RETAIL TOBACCO )  
STORES (ALTERNATIVE 1) - COUNCILMEMBER PEREA (NOT INTRODUCED) )  
2. \*BILL NO. B-11 - AMENDING SECTION 8-125 EXEMPTING CIGAR AND )  
PIPE TOBACCO STORES (ALTERNATIVE 2) - COUNCILMEMBERS PEREA )  
AND BREDEFELD )

Deputy City Attorney Slater reviewed the issue stating both ordinances were virtually identical in that they both prohibited self-service tobacco displays, explained the two alternatives (**3 - 0**) and stated both were defensible.

Councilmember Perea thanked all the students who worked in tobacco prevention along with Mr. Slater and Mr. Sethi for their efforts, stressed this was a major issue, and made a motion to introduce Alternative 2, which was seconded and acted upon after discussion. Councilmember Bredefeld stated his support stating Alternative 2 was the fairest, and commented on hazards of smoking and his hope that this would help in preventing smoking at young age.

Speaking in support of the issue were: J.P. Sethi, Quik-N-Ezy and Snappy Food Stores, representing approximately 200 merchants, and John Shehady, Shop-N-Go Stores, who urged enforcement of penalties on minors for possession; Jeff Russell, President, American Lung Association; Danny Morris and Laura Lara, representing the East Fresno Boys & Girls Club Swat Team; Connie Garcia, Adult Health Educator, support for Alternative 1; Matt Atkins, Sanctuary Youth Swat Team; and Elizabeth Diaz, and Christina, from the Roosevelt High School Tobacco Free Zone.

Acting President Mathys stated his support; City Attorney Montoy, Mr. Slater and Ms. Garcia responded to questions relative to penalties for possession provision, fines, and reason for supporting Alternative 1;

Councilmember Ronquillo stated his support; and Mr. Sethi responded to questions relative to costs to remove tobacco products from counters. President Steitz stated although he opposed minors smoking he felt this was a band-aid approach, advised he would bring something stronger back relative to penalties for minors, stressed the ordinance would place City businesses at a disadvantage with County businesses, and concluded stating this would not solve the problem until a tougher ordinance was enacted.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Alternative No. 2 introduced as Bill No. B-11 and laid over, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	Steitz
Absent	:	None

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**(3:00 P.M.) PRESENTATION AND REPORT BY POLICE CHIEF WINCHESTER )**  
**REGARDING CURRENT PROCEDURES IN PLACE TO DEAL WITH DOMESTIC )**  
**VIOLENCE; IDENTIFY WAYS TO ASSIST IN EFFORTS TO REDUCE OCCUR- )**  
**RENCES OF DOMESTIC VIOLENCE IN OUR COMMUNITY; REQUEST PRE- )**  
**SENTATION AND REPORT INCLUDE ADDITIONAL RESOURCES NEEDED )**  
**FROM COUNCIL TO DEAL EFFECTIVELY WITH THIS SERIOUS PROBLEM - )**  
**COUNCILMEMBER BREDEFELD )**

Councilmember Bredefeld stated domestic violence was a very serious problem and his reason for bringing the issue forth was to engage in dialog and to ascertain what additional resources were needed from the Police Department to deal with the problem effectively.

Chief Winchester reviewed the issue of domestic violence, the duties of the Domestic Violence Team (DVT), statistics as outlined in the staff report, and relative to additional resources, advised at this time a Community Services Officer would be added to the DVT from existing staff to deal more effectively with the workload and that he would provide a follow-up report in 3-4 months as to whether additional resources were needed. Councilmember Ronquillo left the meeting at 10:20 a.m.

Lengthy discussion ensued with Lt. Davis **(4 - 0)** and Chief Winchester responding to questions relative to statistic comparison with other cities, prosecuting cases, looking at how to best manage with current resources, timeline for a report back from staff, dealing with the issue during budget deliberations, repeat offenders, victim advocacy services, and follow-up services.

Acting President Mathys stated a follow-up system partnered with victim organizations was needed; Councilmember Perea stated more training, sensitivity and public awareness on the issue was needed; and Councilmember Boyajian commented on the psychological and self esteem aspects of the issue and the need for more agencies like the Marjaree Mason Center. Chief Winchester concurred the key to the issue was intervention and noted although the process started with an arrest and getting offenders into the criminal justice system, what happened after that was the most important part.

Diane Scott presented questions relative to a federal grant received to implement a domestic violence program and related positions, and commented on the issue. Tim Reese, Executive Director, Marjaree Mason



Center, commented on victim advocacy statistics and services, and the need for a cooperative effort to develop a community response planning grant for a community-wide coalition to deal with the issue. Upon question of Councilmember Bredefeld, Mr. Reese stating funding of social service agencies should be looked at more closely as an opportunity to deal with the problem more effectively in the short-term. Councilmember Bredefeld stated he looked forward to staff's report in 3-4 months.

Lisa Casarez, Proteus, 1815 Van Ness, and a survivor of domestic violence, commented on the issue and on the need to empower women, and offered their services and requested they be considered for funding. There was no further discussion.

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(3:30 P.M.) CONTINUED HEARING ON THE BEHYMER-CHESTNUT NO. )  
3B REORGANIZATION FOR THE DETACHMENT OF 4.6 ACRES FROM THE )  
FRESNO COUNTY FIRE PROTECTION DISTRICT AND KINGS RIVER CON- )  
SERVATION DISTRICT, AND ANNEXATION OF THE SAME TERRITORY )  
TO THE CITY OF FRESNO )  
1. \*RESOLUTION - APPROVING THE BEHYMER-CHESTNUT NO. 3B RE- )  
ORGANIZATION )

President Steitz announced the time had arrived to consider the issue, opened the hearing, and questioned the status, with City Manager Reid advising after a couple of meetings with Mr. Mackay, the non-consenting property owner, resolution had not been reached.

Sharon Mackay advised he did not see a solution at this time and requested an additional 30 days to continue to negotiate. Mr. Reid stated there were time limits relative to extensions and recommended extending one week at a time. Acting President Mathys made a motion to continue the hearing two weeks with Mr. Mackay concurring. Mr. Mackay clarified after the subject property is annexed he would be left with less than 2 acres and stated he was not trying to hold the City up but wanted to reach a good deal. Acting President Mathys withdrew his motion and Councilmember Bredefeld made the motion.

Upon call, no one else wished to be heard and President Steitz closed the hearing.

On motion of Councilmember Bredefeld, seconded by Acting President Mathys, duly carried, RESOLVED, the hearing on the Behymer-Chestnut No. 3B Reorganization continued to March 16, 1999, at 11:30 a.m., by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz  
Noes : None  
Absent : Ronquillo

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STATION WITH THE FINDING THAT THE AGREEMENT IS CONSISTENT )  
WITH THE INTENT OF THE MOU AND CONTINGENT UPON APPROVAL OF )  
THE AGREEMENT BY THE COUNTY BOARD OF SUPERVISORS; AND )  
APPROVING THE PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF )  
THE FRESNO INTERCITY RAIL SATION PROJECT PURSUANT TO THE PRO- )  
VISIONS OF THE 1999 MOU BETWEEN THE CITY AND THE FRESNO COUNTY )  
IN ACCORDANCE WITH THE RECOMMENDATION OF THE DESIGN REVIEW )  
COMMITTEE )

On motion of Acting President Mathys, seconded by President Steitz, duly carried, RESOLVED, the above entitled Resolution No. 99-56 hereby adopted, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz  
Noes : None  
Absent : Ronquillo

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**(1A-2) \*RESOLUTION - 13<sup>th</sup> AMENDMENT TO PAR 98-160 ADDING AND )**  
**DELETING CERTAIN POSITIONS TO THE PARKS, RECREATION AND )**  
**COMMUNITY SERVICES DEPARTMENT (CONVERTING PERMANENT )**  
**INTERMITTENT (P.I.) POSITIONS TO PERMANENT FULL TIME POSITIONS) )**

Gene Zimmerman, FCEA, reviewed the issue and his concerns at length, stated information supplied by the department raised other questions and concerns, expressed his opposition to the resolution stating the civil service system was being circumvented, and noted affected employees would have to test for the positions when they should be grandfathered in since they were the ones performing the work. Councilmember Ronquillo returned to the meeting at 4:00 p.m.

Councilmember Ronquillo stated the issue was difficult to get a handle on, questioned what staff was trying to accomplish, and recommended staff negotiate up front with the labor representative and inform Council on the shortcomings and what the City could fund on a permanent basis. Councilmember Bredefeld concurred and made a motion to tabled the issue for 2 weeks to obtain additional information.

On motion of Councilmember Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above matter tabled two weeks to obtain additional information, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz  
Noes : None  
Absent : None

which he understood was consistent with the goal of the union and explained. President Steitz noted the issued had been tabled and requested Mr. Reid make that information part of staff's report, whereupon the following action was taken.

On motion of Councilmember Ronquillo, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the subject issue "untabled" and brought back for additional discussion, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo
Noes	:	Mathys, Steitz
Absent	:	None

Councilmember Ronquillo requested staff address the issue of the number of temporary positions that may become permanent, giving incumbents some type of special consideration since they were performing the work, and also what the City could afford relative to number of temporary positions needed. Councilmember Perea questioned if reclass was an issue, if a complete negotiation process had been undertaken, and stated the broad issue of temporaries needed to be addressed. Mr. Reid clarified there would not be an equal number of permanent positions as temporaries, noted there would be competition and due process, and stated incumbents would not automatically get the position just because they were there, and added the fact that they were doing the work would be an advantage for them.

On motion of Acting President Mathys, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the issue tabled to March 16, 1999, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	Steitz
Absent	:	None

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**(1A-4) CONSIDER SITE PLAN REVIEW APPLICATION NO. S-99-028, FILED )**  
**BY RICHARD AARON, PROPERTY LOCATED AT 7691 N. KINCAID AVENUE )**  
**AS RELATED TO PROPOSED BUILDING SETBACK ADJACENT TO THE SAN )**  
**JOAQUIN RIVER BLUFF EDGE**  
**1. RESOLUTION - APPROVING A REDUCED BUILDING SETBACK FROM )**  
**THE SAN JOAQUIN RIVER BLUFF EDGE PROPOSED BY S-98-028 )**

City Attorney Montoy advised the issue needed to be removed from the agenda to resolve jurisdictional issues and to conduct proper noticing.

On motion of Acting President Mathys, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Item **1A-4** removed form the agenda, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None

Absent : None

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**(1A-8) \*RESOLUTION NO. 99-57 - 10<sup>TH</sup> AMENDMENT TO SALARY RES. )**  
98-161 ALLOWING HOLIDAY LEAVE HOURS TO BE CASHED OUT )  
UNDER UNFORESEEABLE EMERGENCY CIRCUMSTANCES )

Upon question of Councilmember Bredefeld, Director of Administrator services Souza stated the provision of donating leave to sick employees in need was currently in place.

On motion of Councilmember Bredefeld, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled Resolution No. 99-57 hereby adopted, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz  
Noes : None  
Absent : None

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**(5B) \*RESOLUTION NO. 99-58 - 73<sup>rd</sup> AMENDMENT TO AAR 98-159 APPRO- )**  
PRIATING \$300 FROM DISTRICT 6's GENERAL INFRASTRUCTURE CAPITAL )  
BUDGET TO FUND THE HOOVER HIGH SCHOOL MARCHING BAND - )  
COUNCILMEMBER BREDEFELD )

On motion of Councilmember Bredefeld, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled Resolution No. 99-58 hereby adopted, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz  
Noes : None  
Absent : None

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**(5C) PROPOSED REAPPOINTMENT/APPOINTMENTS: DR. ROBERT SEGURA )**  
AND KEITH KELLEY TO THE HUMAN RELATIONS COMMISSION; AND )  
ALAN D. MEINDERSEE TO THE WEST AREA COMMUNITY PLAN - COUNCIL- )  
MEMBER BOYAJIAN )

On motion of Councilmember Boyajian, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled appointments and reappointments introduced before the Council and laid over, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz  
Noes : None  
Absent : None

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**(5D) STATUS REPORT ON THE COMPREHENSIVE BICYCLE TRANSPOR- )**

TATION PLAN AND APPROXIMATE COMPLETION DATE - ACTING )  
PRESIDENT MATHYS )

Acting President Mathys briefly reviewed the issue, the importance of cycling and official routes, advantages of completing and adopting a transportation plan, and advised the plan was on track and would be brought forth by staff at the end of the month.

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(5F) NOMINATIONS AND ELECTION OF COUNCIL REPRESENTATIVE TO )  
THE ASSOCIATION FOR THE BEAUTIFICATION OF HIGHWAY 99 MEMBER- )  
SHIP COALITION - PRESIDENT STEITZ )

Upon request for nominations, Councilmember Ronquillo suggested himself and Councilmembers Boyajian and Mathys since the 99 corridor ran through all three districts, and stated his interest in serving.

On motion of Acting President Mathys, seconded by Councilmember Perea, duly carried, RESOLVED, Councilmember Ronquillo appointed the Council representative to the Association for the Beautification of Highway 99 Membership Coalition, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz  
Noes : None  
Absent : None

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(5G) NOMINATION AND ELECTION OF PRIVATE SECTOR REPRESENTATIVE TO THE ASSOCIATION FOR THE BEAUTIFICATION OF HIGHWAY )  
99 MEMBERSHIP COALITION- PRESIDENT STEITZ )  
(CONSIDERED AGAIN AFTER THE NEXT ISSUE) )

President Steitz stated he was open for nominations and advised he was working with three interested individuals and at this time no one was confirmed. Brief discussion ensued.

On motion of President Steitz, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Item 5G tabled for one week to obtain nominations, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz  
Noes : None  
Absent : None

- - - -

- (5H) DIRECT CITY MANAGER TO CONDUCT AN ASSESSMENT OF )  
 CURRENT CODE ENFORCEMENT ACTIVITIES AND PROVIDE A STAFF )  
 REPORT FOR PURPOSES OF INCREASING CODE ENFORCEMENT STAFF- )  
 ING IN THE FY 2000 BUDGET - COUNCILMEMBERS PEREA AND BOYAJIAN )  
 REPORT TO INCLUDE, BUT NOT BE LIMITED TO:  
 1. COMPLETE LISTING OF ORDINANCES ENFORCED BY CODE ENFORCE- )  
 MENT )  
 2. CURRENT STAFFING AND CASELOAD PATTERNS )  
 3. AVERAGE RESPONSE TIME TO INITIAL COMPLAINTS AND FOLLOW-UP )  
 4. NUMBER OF SUPPORT STAFF ASSIGNED TO ASSIST CODE ENFORCE- )  
 MENT OFFICERS; AND )  
 5. NUMBER OF CURRENT ACTIVE CASES BY DISTRICT )

Briefly reviewed by Councilmember Perea who advised of code enforcement (CE) staffing statistics and cases, stressed the bottom line was additional staffing was needed, requested staff provide a report as outlined above and also list of all current vacancies so Council could start thinking about placing a freeze on positions, and made a motion to approve direction as outlined, which was seconded and acted upon after brief discussion.

Acting President Mathys and Councilmember Boyajian commented on the issue and expressed their support. Councilmember Ronquillo stated CE personnel were working as hard and diligently as they could and questioned if a restructuring of the process had been tried, with City Manager Reid responding in the affirmative and added temporary employees used were very effective and were the best resources and explained. Councilmember Ronquillo commented on utilizing a proper team approach and requested information on the effectiveness of current staffing and follow-up on basic CE issues.

President Steitz requested the report also include information relative to implications, options, and recommendations on what would be cut to provide the additional staffing; and Councilmember Boyajian requested information on tougher fines and generating revenues.

On motion of Councilmember Perea, seconded by Councilmember Boyajian, duly carried, RESOLVED, the City Manager directed to conduct an assessment of current code enforcement activities and provide a report for purposes of increasing Code Enforcement staff in the FY 2000 budget, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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- (5G) NOMINATION AND ELECTION OF PRIVATE SECTOR REPRESENTATIVE TO THE ASSOCIATION FOR THE BEAUTIFICATION OF HIGHWAY )  
 99 MEMBERSHIP COALITION- PRESIDENT STEITZ )  
 (CONTINUED FROM EARLIER) )

On motion of Acting President Mathys, seconded by Councilmember Perea, duly carried, RESOLVED, the above issue “untabled” and brought back for consideration, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

President Steitz advised he had confirmed a nominee who was interested in serving on the Coalition.

On motion of Acting President Mathys, seconded by Councilmember Perea, duly carried, RESOLVED, Tom McGowan, Automated Office Systems, appointed as the private sector representative to the Association for the Beautification of Highway 99 Membership Coalition, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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**(5I) DIRECT CITY MANAGER TO PROVIDE STATUS REPORT ON Y2K )**  
**CONVERSION OF ALL CITY SYSTEMS - COUNCILMEMBER PEREA )**

Briefly reviewed by Councilmember Perea who stated after discussions with the Information Systems Director he was confident and assured the City was well on its way to making all changes for the conversion, and requested the City Manager meet with other entities on what was being done and urged the City to take a pro-active approach to inform the community.

Brief discussion ensued on the importance and seriousness of the issue and the need for awareness. City Manager Reid stated the areas of greatest risk were with other utility providers, which the City had no control over, and advised he had already contacted Clovis and the County proposing a joint meeting on the issue, noted the Police Chief had contacted the Sheriff, and emphasized work was on-going.

Acting President Mathys requested staff provide a one-page fact sheet on what the City was doing to comply so he could inform his constituents.

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**(4:00 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY )**

The City Council met in joint session with the Redevelopment Agency at the hour of 4:41 p.m. in the Council Chamber, City Hall.

**APPROVE AGENCY MINUTES OF FEBRUARY 23, 1999 )**

On motion of Councilmember Perea, seconded by Acting President Mathys, duly carried, RESOLVED, the minutes of February 23, 1999, approved as submitted.

- (A.) CONSIDER MATTERS RELATING TO THE PROPOSED MIXED-USE )  
 MULTIPLEX THEATER PROJECT LOCATED AT THE SOUTHERN END )  
 OF THE UPTOWN DISTRICT AD THE NORTHERN END OF THE CENTRAL )  
 BUSINESS DISTRICT REDEVELOPMENT PLAN AREA )  
(COUNCIL AND AGENCY ACTIONS) )  
 1. AUTHORIZE THE REDEVELOPMENT AGENCY TO NEGOTIATE WITH ) )  
 CENTER OAK PROPERTIES/WEDIN ENTERPRISES/AMC THEATERS TO )  
 DEVELOP THE TERMS AND CONDITIONS OF THE DISPOSITION AND )  
 DEVELOPMENT AGREEMENT (D&DA) AND RETURN TO THE AGENCY/ ) )  
 COUNCIL FOR DIRECTION WITHIN APPROXIMATELY 60 DAYS )  
 2. AUTHORIZE THE REDEVELOPMENT AGENCY TO WORK WITH THE )  
 HOUSING AUTHORITY AND THE CITY IN REGARDS TO THEIR LEVEL OF )  
 PARTICIPATION FOR THE PROPERTY IDENTIFIED AT THIS SITE FOR )  
 INCLUSION IN THE PROJECT )  
 3. DIRECT THE EXECUTIVE DIRECTOR TO INCLUDE THE CITY MANAGER, )  
 OR HIS DESIGNEE, IN THE NEGOTIATION PROCESS )

Redevelopment Administrator Murphey reviewed the staff report as submitted and recommended Agency staff be authorized to negotiate with the developer, work with the Housing Authority, and include the City Manager in the negotiation process.

Wayne Wedin, President, Wedin Enterprises, Brea, CA, introduced Fred Bruning, Center Oak Properties, and Mr. Killman from AMC, stating the principals were present, interested, and firmly committed to the project.

Craig Killman, AMC Vice President with Real Estate, stated AMC was excited with the prospect of becoming the exhibitor for the entertainment project and they viewed it as a tremendous opportunity and looked forward to being here.

Mr. Wedin clarified the project was designated as an entertainment retail project and that it was their intent to not only provide the fine services of AMC but also retail that would would augment what other downtown merchants were doing, and distributed packets to Council on their work, one of which is on file in the office of the City Clerk.

Speaking in support of the project and staff's recommendation were: Brent Weiner, President, Downtown Association; Clinton Howe, Uptown Committee Member and Board Member of the Metropolitan Museum and Historical Society; Robert Carter, Chair, Fresno Revitalization Corp.; and Edward Stacy, Housing Authority Executive Director, 1331 Fulton Mall.

Mr. Wedin responded to questions of Acting President Mathys relative to what they would be asking of the City/Agency in addition to the site and infrastructure. Acting President Mathys (6 - 0) and Councilmember Bredefeld expressed their strong support and a motion to approve staff's recommendation was made, seconded, and acted upon after brief discussion.



Councilmember Quintero requested staff provide a report back on approximate costs of what was being provided by the City/Agency and benefit of developing in a redevelopment area prior to breaking ground. Councilmember Perea requested staff take the time and look into connecting the various downtown projects to provide a visual to the community of everything happening in the area. Chair Ronquillo stressed this was an opportunity to link uptown's efforts with downtown's revitalization.

On motion of Councilmember Bredefeld, seconded by Councilmember Boyajian, duly carried, RESOLVED, the Executive Director, or his designee, authorized to (1) negotiate with Center Oak Properties/Wedin Enterprises/AMC Theaters to develop the terms and conditions of a disposition and development agreement and return to the Agency/Council for direction within approximately 60 days; and (2) work the Housing Authority and the City in regards to their level of participation for the properties identified at the subject site for inclusion in the project; and the City Manager, or his designee, included in the negotiation process, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

(B.) CONSIDER ADOPTION OF ACCEPTABLE TERMS AND CONDITIONS )  
 FOR CITY AND AGENCY PARTICIPATION IN THE DEVELOPMENT OF A )  
 HOTEL/EXPANDED EXHIBIT HALL ON THE OPHELIA PROPERTY AT )  
 INYO AND "M" STREETS (COUNCIL AND AGENCY ACTION) )

Director Fitzpatrick reviewed the issue, noted the Task Force met with successful discussions, advised a new memo distributed this date contained revised language which would replace Page 3 of the Keyser Marston letter dated 1/28/99, and recommended the KMA policy guideline letter be approved, as amended with the new language, and that staff be directed to incorporate the guidelines into an RFQ and return to the Council/Agency in approximately two weeks.

City Manager Reid concurred some progress was being made, and requested additional time to review the revised language dealing with the City's assistance and explained concerns, and also to review the proposal relating to parking.

Economic Development Coordinator Webster addressed the issues of pledging of public revenues and how to evaluate the revenues available, requested the Controller's Office be involved, and stated staff supported the joint process to develop parameters prior to going out to bid adding he felt that was the best and most efficient way to get a hotel project.

Councilmember Perea made a motion to move the issue forward. Chair Ronquillo questioned how to include the City Manager's request for additional time to review the new language, with Mr. Reid recommending further discussions between City and Agency staff to refine the language. Acting President Mathys left the meeting at 5:18 p.m. and returned after the recess.

Mr. Fitzpatrick stated staff would meet first and then the Task Force to further define the scope of the issue, including the City Attorney. Upon question, City Attorney Montoy stated she had no problem with the proposed direction. Councilmember Quintero requested staff provide a report on the costs of the economic benefits currently on the property and what the developer would be eligible for, and to include the issue of organized labor/prevaling wages. Upon question of President Steitz, Chair Ronquillo confirmed the Controller would be involved in the financial analysis.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, **RESOLVED**, the KMA policy guideline letter dated January 28, 1998, hereby approved, **as revised**, with the italicized language in the staff memo dated March 2, 1999; staff directed to incorporate the policy guidelines into a draft RFQ and return to the Council/Agency in approximately two weeks; and the City Controller to be included in financial analysis negotiations, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	Mathys

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The joint bodies adjourned at 5:21 p.m. and the City Council reconvened in regular session at 5:22 p.m. Councilmembers Boyajian and Perea left the meeting and returned after recess.

#### **CLOSED SESSION OF THE CITY COUNCIL:**

(A.) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - )  
 GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAME: )  
 A.H.D.C. (WELLINGTON) V. CITY OF FRESNO )

(B.) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE )  
 SECTION 54957.6 - COUNCILMEMBER PEREA )  
CITY NEGOTIATORS: JEFFREY REID, JORGE AGUINIGA ANDREW SOUZA )  
EMPLOYEE ORGANIZATION: CFPEA )

On motion of Councilmember Bredefeld, seconded by Councilmember Ronquillo, duly carried, **RESOLVED**, the above entitled closed session Items **A** and **B** laid over one week, by the following vote:

Ayes	:	Bredefeld, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Boyajian, Mathys, Perea

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**RECESS - 5:23 P.M. - 5:38 P.M.**

(5:30 P.M.) DISCUSSION RELATED TO THE PROPOSED COMMUTER BIKE )  
 TRAIL ALONG THE FORMER SOUTHERN PACIFIC RAILROAD RIGHT-OF- )  
 WAY BETWEEN E. SHEPHERD AND E. NEES AVENUE - COUNCILMEMBER )  
 BREDEFELD )

Councilmember Bredefeld briefly reviewed the issue stating a number of meetings had been held and a number of legitimate concerns had been raised, and noted the issue was scheduled to allow for an opportunity for all concerns to be addressed.

City Design Engineer Kassabian reviewed the issue, explained the proposed trail plan, and along with Parks and Recreation Director Primavera and Police Capt. Martin, responded to Council questions relative to financing, the \$926,000 grant, project timeline and phases, landscaping, responsibility for maintenance, and security.

Expressing their concerns with the trail plan and/or process were: Robert Rosati, 756 E. Serena (7 - 0); John Johnson; and Chuck Kass.

Speaking in support of the trail plan were: Mark Keppler, who also addressed some concerns expressed; and Kate Bickert, San Francisco, CA, who also played a video tape of another trail and support by its area residents.

Speaking to the issue were: Richard Arndt, 480 E. Cole, support for the plan, who expressed concerns with safety and security, and requested a pro-active approach; Vincent Correl, support (8 - 0); Jerry Duncan, President, Ft. Washington Homeowners Association, support, who submitted a letter from the Board of Director in support, a copy of which is on file in the office of the City Clerk; Frank Maul, 636 E. Cole, who requested the issue be held off to obtain input from area residents; Russell Johnston, 639 W. Simpson, support; Wayne Ceaderquist, 8606 N. Fuller, who requested a delay to solve problems; Michael Becker, 4839 N. Sunset, Critical Mass, who presented questions relative to the rail line property; Dr. Stephen Lewis, support; Nick Paladino 8735 N. Cedar, Fresno Cycling Club, support; and Jan Arndt, opposed.

Continuing in support were: David Riester, 346 E. Everglade; Colby Morrow, 2088 E. Lester; Evan Shipp, 2088 E. Lester; Dallas Blanchard, 7198 N. Ivanhoe; and Don Hoaus, 8778 N. Woodrow.

Mr. Keppler clarified and addressed concerns relative to noticing and the REMOVE grant timeline.

Continued speakers were: Jerry Bird, 835 E. Ashcroft, support; Robert Rusche, 8670 N. Fuller, who expressed his concern with privacy, safety, noise, and requested a block wall/fence; John Valentino, Tree Fresno, support; Sally Tannenbaum, President, Tree Fresno, support; Steve Pistoli, Independent Real Estate Appraiser, support and clarified benefits to property values (9 - 0); Maury Vezzolini, 536 E. Cole, and Bob Hull, Coalition of Community Trail Member, support, who also explained the phases of the project and clarified there was plenty of time for input on the design.

Brief discussion ensued on allowing prior speakers to speak again. Addressing comments made, Mr. John Johnston clarified the off-ramp was more than just a proposal and explained, and stated funding at this time was only for the asphalt.

Continued speakers were: Rich Simano, support; an unidentified repeat speaker who expressed concern with the Eaton trail being fairly narrow; a woman whose identification was inaudible, opposed; Mary Biskup, 3910 E. International, support; Glen Arcox opposed; Susan Stiltz, Tree Fresno Executive Director, support; and Heather Anderson, Sierra Club, Tehipite Chapter, speaking as a concerned citizen, support.

Upon call, no one else wished to be heard and President Mathys closed the public testimony portion of the issue.

Planning Manager Yovino and City Manager Reid responded to questions of Councilmember Bredefeld relative to the EIR and required hearings.

Councilmember Bredefeld stated it was clear everyone was in agreement on the need for trails and parks and it was also clear citizens were not involved in the process; stated concerns expressed were valid and recommended a three-member committee be formed of concerned residents to meet with involved staff to give their input on issues of concern such as planning for safety and installation of a uniform block wall and possibly locating funds; and emphasized it was clear the trail was going in at the subject location and the issue now was how it would go in and how it would impact the area.

City Manager Reid addressed the noticing issue and took responsibility for the lack of it; explained how the trail and location came about; emphasized the design was not final yet and there would be plenty of opportunity to work on a final design; stated the issue of fencing and funding would have to be looked into further; and urged only those homeowners dedicated to installing the trail on the alignment commit their time to work with staff on the design issues.

Councilmember Bredefeld emphasized he would be involved in the process to ensure all needs were addressed and heard by City staff, stated he was committed to finding the best solution for all involved, and added it was clear the trail would be a wonderful amenity for the community.

Acting President Mathys advised he had a similar situation in his district and he understood the homeowners' concerns, emphasized this meeting should have taken place a year ago and it was real difficult to deal with issues at this late stage, and recommended a timeline be set to resolve issues and offered his assistance.

Councilmember Ronquillo stated the plan had to be moved forward, commented on the issue noting older residential areas had alleyways to deal with, and added he felt residents near the trail would not experience the types of problems faced in the inner-city.

Mr. Kassasbian and Mr. Keppler responded to questions of Councilmember Boyajian relative to the project timeline, and funding for the first phase of the project and what it would entail. There was no further discussion.

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**ADJOURNMENT**

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There being no further business to bring before the Council, the hour of 8:16 p.m. having arrived and hearing no objections, President Steitz declared the meeting adjourned.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

ATTEST: \_\_\_\_\_

Ken Steitz, Council President

Yolanda Salazar, Assistant City Clerk

